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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Tel: 571-272-9797 Fax: 571-272-0943

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Entered March 9, 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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**TAKASHI NOGUCHI and  
YASUSHI SHIMOGAICHI**

Junior Party  
(Patent 5,943,593)<sup>1</sup>

v.

**HONGYONG ZHANG, NAOAKI YAMAGUCHI  
and YASUHIKO TAKEMURA**

Senior Party  
(Application 09/633,869)<sup>2</sup>

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Patent Interference No. 105,339

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Before LEE, TORCZON and MEDLEY, Administrative Patent Judge.

LEE, Administrative Patent Judge.

**Judgment – Bd. Rule 127(b)**

Counsel for Zhang represents and counsel for Noguchi has confirmed that Noguchi filed a disclaimer of all of its involved patent claims in this interference, i.e., claims 1-7 (Papers 48 and 50). Additionally, counsel for Zhang represents and counsel for Noguchi has confirmed that

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<sup>1</sup> Based on Application 09/083,926, filed May 22, 1998. Accorded the benefit of Application 08/745,284, filed November 8, 1996. The real party in interest is Sony Corporation.

<sup>2</sup> Filed August 7, 2000. Accorded the benefit of Application 09/236,620, filed January 26, 1999, and Application 08/641,695, filed May 2, 1996. The real party in interest is Semiconductor Energy Laboratory Co., Ltd.

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Noguchi withdraws all of its pending motions (Papers 48 and 50). Counsel for Zhang further represents that Zhang withdraws all of its pending motions (Paper 48).

Per 37 CFR § 41.127(b)(2), Noguchi's disclaimer of all of its involved claims is construed as a request for entry of adverse judgment. That is consistent with counsel for Zhang's representation in Paper 48 that the parties jointly request a termination of this interference, evidently based on Noguchi's disclaimer of all involved claims. Counsel for Noguchi confirms that the request for termination was jointly made (Paper 50). Accordingly, it is

**ORDERED** that Noguchi's request for entry of adverse judgment is **granted**;

**FURTHER ORDERED** that the parties' joint request for termination of the interference is **dismissed** as moot in light of Noguchi's request for entry of adverse judgment;

**FURTHER ORDERED** that judgment as to the subject matter of Count 1 is herein entered against junior party TAKASHI NOGUCHI and YASUSHI SHIMOGAICHI;

**FURTHER ORDERED** that the junior party TAKASHI NOGUCHI and YASUSHI SHIMOGAICHI is not entitled to its patent claims 1-7 which correspond to Count 1 of this interference;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205;

**FURTHER ORDERED** that a copy of this judgment be entered in the respective involved application or patent of the parties.

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/ss/ Jameson Lee  
JAMESON LEE  
Administrative Patent Judge  
  
/ss/ Richard Torczon  
RICHARD TORCZON  
Administrative Patent Judge  
  
/ss/ Sally C. Medley  
SALLY C. MEDLEY  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

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By Electronic-Mail:

Counsel for Junior Party Noguchi:

dmetzger@sonnenschein.com  
David R. Metzger, Esq.  
SONNENSCHN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station  
Sears Tower  
Chicago, Illinois 60606-1080

Attorney for senior party Zhang:

jcostellia@nixonpeabody.com  
Jeffrey L. Costellia, Esq.  
401 9<sup>th</sup> Street, N.W.  
Suite 90  
Washington, D.C. 20004-2128